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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 11/10/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,543

Applicant(s)

FORTE, STEPHEN P.

Examiner

Quynh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 8/11/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9-18,28,30-32,36-41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-18,28,30-32,36-41 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-4, 10-18, 28, and 30-32, 36-41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. (U.S. Patent 5,206,901) in view of Brennan et al. (U.S. Patent 5,).

Regarding claims 1-3, 31, 32, 40, and 41, Harlow et al. teach a receiving module receiving a telephone call (col. 2, lines 32-34); a processor ("switching service point") identifying a dialed telephone number associated with the call, the processor using the dialed telephone number to retrieve a first telephone number ("primary telephone number"), a second telephone number ("secondary telephone number"), the processor using at least one retrieved user preference ("query the shared database returns routing numbers") to route the call to at least two destination telephone numbers simultaneously (col. 2, lines 25-41).

Harlow et al. does not teach the processor routes the call to a third of the at least two destination numbers corresponding to the voice mail box telephone number after a predetermined time.

Brennan et al. teach the processor routes the call to a voice mailbox telephone number after predetermined time as defined by at least one retrieved user preference (Table 4.0).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features of the processor routes the call to a voice mailbox telephone number after predetermined time, as taught by Brennan, in Harlow's system in order to avoid unavailable called party from missing important telephone calls.

Regarding claims 4, Brennan et al. teach the predetermined time corresponds to a number of telephone rings (col. 5, line 60 through col. 6, line 15).

Regarding claims 10 and 15, Harlow et al. does not teach the processor receives the call from a private branch exchange or public switched telephone network, and at least one destination is associated with a private branch exchange. Both calls origination and termination could be in the same or different switch, the same switch is the preferred mentioned in claims 10 and 15.

Regarding claims 11, 12, 16, 36, and 43, Harlow et al. teach the call is routed to a cellular telephone, which can operate independently from the telecommunication device (Fig. 1, 136 and col. 4, lines 6-19).

Regarding claims 13, 14, 37, and 38, Harlow et al. does not teach the call is routed to a destination associated with a pager or a personal digital assistant. It would have been obvious that a personal digital assistant is also one of the pluralities of telephones.

Regarding claims 17 and 18, Harlow et al. does not teach the processor is connected to a local area network or the Internet and at least one user preference is input via the local area network or Internet. It would have been obvious to one of

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ordinary skill in the art at the time the invention was made to incorporate the above mentioned feature into Harlow et al.'s system in order to have a better system.

Claim 28 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Harlow et al. teach a connect unit (Fig. 1, SSP 110); first communication device at an extension of the communication network associated with the user (Fig. 1, 111); second communication device to the user (Fig. 1, 112).

Claims 30 and 39 are rejected for the same reasons as discussed above with respect to claim 28. Furthermore, Harlow et al. teach the machine-executable control program to perform various functions ("program processor 113 in SSP 110").

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. (U.S. Patent 5,206,901) in view of Brennan et al. (U.S. Patent) and further in view of Swan (U.S. Patent (5,978,451)).

Regarding claim 9, Harlow et al. does not teach the processor prompts a caller of the telephone call with a menu of call destination options and the processor places the call to at least one destination telephone number in accordance with an option selected by the caller.

Swan teaches a caller of the telephone call was prompted with a menu of call destination options and the call is routed to at least one destination telephone number in accordance with an option selected by the caller (col. 7, line 63 through col. 8, line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of prompting a caller of the telephone call with a menu of call destination options and route the call to at least one destination

telephone number in accordance with an option selected by the caller, as taught by Swan, in Harlow et al.'s system in order to allow callers have more control of the destination.

Response to Arguments

Applicant's arguments with respect to claims 1-4,9-18,28,30-32,36-41 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that monitoring the inbound call, allowing the host PBX switch or Telco to continue playing an unanswered ring tone to the caller and maintaining call control and the system will authenticate the answer by requiring the receiving party to press a DTMF tone to ensure the call has not been connected to an answering machine or other unwanted device. These limitations are not in the claim.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
October 20, 2003


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600